

**RANKIN-HINDS PEARL RIVER  
FLOOD AND DRAINAGE CONTROL DISTRICT**  
*"Protecting Rankin and Hinds County"*

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**DIRECTORS:**

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City of Flowood  
**Mayor Mark Scarborough**  
City of Richland  
**Mr. Leland R. Speed**  
State Fair Commission

**Mailing Address:**  
Post Office Box 320069  
Flowood, MS 39232-0069

**Telephone:**  
(601) 939-4243

**Facsimile:**  
(601) 932-4384

June 4, 2008

The Honorable John Paul Woodley, Jr.  
Assistant Secretary of the Army (Civil Works)  
108 Army Pentagon  
Room 3E446  
Washington, DC 20310-0108

***Re: Pearl River Basin, Mississippi***

Dear Assistant Secretary Woodley:

On behalf of the Rankin-Hinds Pearl River Flood and Drainage Control District, thank you for taking the opportunity to meet with our representatives on Thursday, May 22, 2008, and discuss several matters of importance to our efforts to implement an effective solution for flood control and economic development in the Jackson Metropolitan Area. We genuinely appreciate the level of preparedness and interest expressed by you during the course of our meeting.

The purpose of this letter is to further address several critical issues for which a determination by your office is necessary if the project authorization contained in Section 3104 of the Water Resources Development Act of 2007 is to be fully utilized in a timely and efficient manner. These areas of further development and clarification are as follows:

1. Movement forward now to transition from the Feasibility Study level of activity to a Pre-construction Engineering and Design (PED) agreement. This activity is of critical importance to fully recognize that the project is now, in fact, authorized and is beyond the Feasibility Study stage. It is acknowledged that further planning refinements and completion of the National Environmental Policy Act (NEPA) compliance are required, but it is our view that these matters can be accomplished in a more efficient manner in the PED stage. At this juncture, there does not appear to be another course of action, given the non-traditional method of authorization employed by the Congress.

2. As discussed in the course of our meeting, it is requested that General Investigations Account funds be re-programmed from FY 2008 sources to allow the Vicksburg District to re-start its activities associated with design refinements and completion of the NEPA process. It is our understanding that \$200,000 would be adequate for the current fiscal year while a more significant amount has been requested through the appropriations cycle for FY 2009.
3. As previously indicated, in supplement to the re-programmed funds, there still remains a possible need for an Advanced Funding Agreement to allow the non-Federal sponsor to fund, in part, the activities of the Corps in re-starting the project in accordance with the in-kind contribution policy set forth in Section 2003 of WRDA 2007.
4. In discussing the Implementation Guidance dated 12, May, 2008 for Section 3104, three matters appear to require confirmation and/or clarification, as follows:
  - a. That the economic feasibility requirement for the Locally Preferred Plan (LPP), pursuant to the utilization of Section 3104 (d) of WRDA 2007, which incorporates Section 903 (c) of WRDA 1986, "Benefit-Cost Ratio Waiver", is applicable.
  - b. That the lead-in phrase in paragraph 2, "At such time that funds are appropriated", can be satisfied through alternative sources of funding, including re-programmed funds or advanced funds. We find no reference in WRDA to the requirement of an appropriation being necessary to activate the operation of this provision.
  - c. The second sentence of paragraph 2 states, "The report shall also document all features that would not produce NED benefits greater than costs in accordance with Section 903 (c) of WRDA 1986 although use of this provision is not permitted under current Corps policy." The guidance memo states that 903 (c) is not consistent with current Corps policy. As you indicated, we are also unaware of any documented policy to this effect.

Specific responses and actions for paragraphs 1-3 and verification of sub-paragraphs 4 (a), (b), and (c) are hereby requested to insure that the project activities can be resumed on the basis as presented in our meeting and herein stated.

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Once again, thank you for your most cordial approach and encouragement during the course of our meeting. We look forward to hearing from you in the near future in regard to the requested assistance and clarifications.

Sincerely,

A handwritten signature in cursive script that reads "Billy Orr". The signature is written in dark ink and is positioned above the printed name and title.

Billy Orr  
President